

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

49.71 ACRES OF LAND, MORE OR LESS,
SITUATE IN WEBB COUNTY,
STATE OF TEXAS; AND EMERALD
RIVerview DEVELOPMENT, LTD.

Defendants.

CASE NO. 5:21-CV-007

**JOINT MOTION FOR EXTENSION OF STAY AND CORRESPONDING EXTENSION
OF DEFENDANTS' DEADLINE TO FILE A REPLY TO PLAINTIFF'S RESPONSE TO
MOTION TO DISMISS AND TO STRIKE IMPROPER PLEADING**

The United States, through Assistant United States Attorney Chanmealea Thou, and Emerald Riverview Development, LTD. (“Defendant”), through Attorney Kenneth A. Valls, respectfully ask for clarification regarding the order granting motion for a continuance of the filing of a status conference scheduled for May 19, 2021 to July 22, 2021.

BACKGROUND

The United States commenced this case on January 12, 2021 by filing the Declaration of Taking, which sought to acquire a temporary assignable easement in property identified as LRT-LRN-1024E (“Subject Property”).¹ On March 5, 2021, Defendant filed a motion to dismiss.² On March 26, 2021, the United States filed a response to the motion to dismiss and a motion to strike improper pleading.³ On April 1, 2021, the United States and Defendant jointly filed a motion to

¹ Dkt. No. 2.

² Dkt. No. 8.

³ Dkt. No. 12.

stay and extend Defendant's reply deadline,⁴ which the Court granted on April 7, 2021 and scheduled a status conference for May 19, 2021.⁵ In that Order, the Court stays the case until the status conference to be held on May 19, 2021, and orders that Defendants' reply to Plaintiff's response to the motion to dismiss is due seven days after the date the stay expires.

On May 7, 2021, the Parties jointly requested a continuance of the status conference on May 19, 2021.⁶ This Court granted the request on May 11, 2021, thereby resetting the status conference for July 22, 2021.⁷ The Parties now jointly request that this case be considered stayed until the July 22nd status conference, and that the deadline for Defendants to reply to Plaintiffs' response to the motion to dismiss and motion to strike improper pleading be consequently extended to seven days after the July 22, 2021 status conference in accordance with the Court's previous order.

REQUEST FOR RELIEF

The Parties believe the continuance of the stay and reply deadline sought herein will preserve judicial and party resources as set out in the Motion for a Continuance of the Status Conference, and that it will be in the spirit of the initial Order extending the stay in this case, both of which were based on the following reasons:

1. This is a federal land condemnation action seeking to acquire property in order "to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas."⁸
2. On January 20, 2021, President Joseph R. Biden, Jr. issued a Presidential Proclamation, terminating the national emergency at the Southern Border Wall and directing "a

⁴ Dkt. No. 13.

⁵ Dkt. No. 14.

⁶ Dkt. No. 15.

⁷ Dkt. No. 16.

⁸ Dkt. No. 2, Schedule B.

careful review of all resources appropriated or redirected to construct a southern border wall” through the development of “a plan for the redirection of funds concerning the southern border wall.”⁹

3. The plan for the redirection of funds concerning the southern border wall was expected to be developed within 60 days from the date of the proclamation, but as of this date no guidance has been forthcoming regarding the Subject Property.¹⁰

Based on the foregoing, the parties request that the Court grant this motion and enter an order extending the stay to July 22, 2021, which will consequently extend Defendants’ deadline to file their reply to Plaintiff’s response to motion to dismiss to seven days after the status conference currently set for July 22, 2021 as set out in the Court’s April 7, 2021 Order.¹¹

CERTIFICATE OF CONFERENCE

On May 12, 2021, Attorney Kenneth A. Valls, counsel for defendants, contacted the AUSA Chanmealea Thou, who advised that she was unopposed to the motion.

Respectfully submitted,

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⁹ Proclamation No. 10142, 86 Fed. Reg. 7225 (Jan. 27, 2021).

¹⁰ *Id.*

¹¹ Dkt. No. 14.

By: s/ Chanmealea Thou
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CERTIFICATE OF SERVICE

I hereby certify that on the **19th day of May 2021** a true and correct copy of the foregoing has been served pursuant to the ECMF filing procedures on all parties and counsel identified on the ECMF filing for this case.

/s/ Kenneth A. Valls
Kenneth A. Valls